

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JUNE 27, 2002**

The Fauquier County Planning Commission held its regular meeting on Thursday, June 27, 2002, beginning at 3:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mrs. Elizabeth Cook, Mrs. Carolyn Bowen, Ms. Deirdre Clark, Ms. Paulette Dolan and Mrs. P.J. Gallagher, Clerk.

AMENDMENT OF AGENDA

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to amend the agenda to add Item 8.g. concerning a Subdivision Ordinance Text Amendment to Section 9-4, Preliminary Plats. The motion carried unanimously.

RECOGNITION

Mr. Sinclair recognized and thanked P.J. Gallagher for her service on the Planning Commission in that she is leaving the Department of Community Development and going to work at Fauquier High School.

1. **APPROVAL OF MINUTES - MAY 30, 2002**

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the minutes of May 30, 2002, until the July meeting for further review. The motion carried unanimously.

2. **ZONING ORDINANCE TEXT AMENDMENTS**

a. Zoning Ordinance Text Amendment to Section 9-1006 (Outdoor Recreational Lighting)

Mrs. Bowen reviewed the request, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to recommend approval of the text amendment subject to modification made earlier in the day and to further review by Mr. Stone and Mrs. McCarty. The motion carried unanimously.

b. Zoning Ordinance Text Amendment to Section 3-404 to change the measurement of the required front yard from the centerline of a right-of-way to the front property line.

Mrs. Bowen reviewed the request, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to readvertise the text amendment for a public hearing at the July meeting. The motion carried unanimously.

3. **PROPOSED STORMWATER MANAGEMENT ORDINANCE - INITIATION OF PROPOSED COUNTY CODE AMENDMENTS TO ADOPT A STORMWATER MANAGEMENT ORDINANCE**

Mrs. Cook reviewed the proposed ordinance, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to recommend approval of the ordinance as amended.

Mr. Sinclair congratulated Christer Carshult and Jennifer Kilanski for their efforts and work on this ordinance.

Mr. Robison stated that he agrees with Mr. Sinclair.

The motion carried unanimously.

4. **SPECIAL EXCEPTIONS**

- a. **#SE02-M-06 - Wayne L., Jr. & Vicki L. Houston, owners, and SBA Properties, Inc., applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 120' fully camouflaged telecommunications silo facility with a 1,891 sq. ft. compound. The applicant is also seeking a Comprehensive Plan Determination in accordance with Section 15.2-2232 of the Code of Virginia. The property contains 5.0 acres, is zoned Rural Agriculture (RA), and is located north of I-66 on Grove Lane (Route F-185), Marshall District. (PIN #6050-32-8796-000)

Mr. Robison stated that the special exception has been withdrawn by the applicant, therefore, no action is required.

- b. **#SEA02-M-05 - Fresta Valley Christian School, owner/applicant** - applicant wishes to obtain a special exception amendment under Category 5 of the Zoning Ordinance which would allow for the creation of one additional classroom. The property contains 19.91 acres, is zoned Rural Agriculture (RA), and is located at 6428 Wilson Road (Route 736), Marshall District. (PIN #6956-25-6041-000)

Mr. Robison stated that the special exception has been withdrawn by the applicant, therefore, no action is required.

- c. **#SE02-CR-26 - Gary T. and Debra A. Wood, owners/applicants** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for an experimental wastewater system. The property contains 10 acres and is located at 9720 Elk Run Road (Route 806), Cedar Run District. (PIN #7931-34-6547-000)

Mr. Robison stated that the special exception has been withdrawn by the applicant, therefore, no action is required.

5. **COMPREHENSIVE PLAN AMENDMENT (#CPA02-L-05) AND REZONING REQUEST (#RZ02-L-06) - MARGARET L. DYSON, OWNER/APPLICANT** - applicant wishes to obtain a

Comprehensive Plan Amendment which would change the future designation of the subject property from Commercial to Residential. The applicant also wishes to rezone approximately 16.0455 acres from Commercial-Neighborhood (C-1) to Residential-1 (R-1). The property is located at the intersection of Courtney's Corner Road (Route 634) and Brooks Store Drive (Route 632) in the Village of Morrisville, Lee District. (PIN #7816-26-1092-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested a thirty day postponement.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the applications until the July meeting, at the request of the applicant. The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#PP02-C-04 - Academy Hill Development, LLC, owner/applicant** - applicant wishes to subdivide 87.808 acres into sixty-one (61) lots. The property is zoned Residential-1 (R-1), and is located on the south side of Academy Hill Road (Route 678) east of its intersection with Millfield Drive, Center District. (PIN's #6984-93-2775-000 and #6984-83-4176-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement for thirty days and that she anticipates that it will be either withdraw by the applicant or combined with a larger application.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the plat until the July meeting at the request of the applicant. The motion carried unanimously.

- b. **#PP02-CR-10 - Amos L. & Jane E. Shipe, owners/applicants** - applicants wish to obtain preliminary plat approval to divide approximately 150.5 acres into three (3) lots, with future development of an additional three (3) lots. The property is zoned Rural Agriculture (RA), and is located on the southeast side of Elk Run Road (Route 806), Cedar Run District. (PIN #7827-04-3142-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Stone and seconded by Mr. Sinclair, it was moved to postpone the request until the July meeting for further review. The motion carried unanimously.

- c. **#PP02-S-13 - Lillie E. Smith, owner, and Robert H. Rogers, III, applicant - Smithridge Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 16.7 acres into fourteen (14) lots. The property is zoned Residential-1 (R-1), and is located on the southeast side of Routes 15/29, Lee District. (PIN #6888-32-5186-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement until the July meeting.

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to postpone the preliminary plat until the July meeting, at the request of the applicant. The motion carried unanimously.

- d. **#PP02-S-17 - Robert R. Oliver, Trustee & Others, owner, and Doug Nyce, contract owner** - applicant wishes to obtain preliminary plat approval to subdivide approximately 89.3 acres into fifty-seven (57) lots. The property is zoned Residential-1 (R-1), and is located on the southeast side of Busthead Road (Route 694), Scott District. (PIN #6996-74-7410-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested that the plat be postponed until the July meeting.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone the preliminary plat until the July meeting, at the request of the applicant. The motion carried unanimously.

- e. **#PP02-M-15 - Arlington Builders, Inc., owner/applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 2.0 acres into two (2) lots. The property is zoned Village Residential (V), and is located on the northwest side of Springs Road (Route 802), Marshall District. (PIN #6962-45-4428-000)

Ms. Clark reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

On motion made by Mrs. McCarty and seconded by Mr. Robison, it was moved to postpone the preliminary plat until the July meeting for further review. The motion carried unanimously.

- f. **#PP02-L-16 - Melvin E. Bailey, Jr. & Rocky D. Bailey, owners, and Robert Rogers, III, applicant - Riverton Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 65.5 acres into seventy-one (71) lots. The property is zoned Residential-2 (R-2), and is located on the northwest side of Lucky Hill Road (Route 655), Lee District. (PIN #6887-37-4241-000)

Ms. Clark reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the plat until the July meeting for further review. The motion carried unanimously.

7. **WAIVER OF SECTION 4-11(1)(A) OF THE SUBDIVISION ORDINANCE
REQUIREMENT FOR A CENTRAL WATER SYSTEM - RIDGE PLACE SUBDIVISION -
O. WILLIAM GROVES, OWNER**

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement until the July meeting.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the waiver until the July meeting, at the request of the applicant. The motion carried unanimously.

8. **INITIATION OF PROPOSED SUBDIVISION ORDINANCE AND ZONING ORDINANCE TEXT AMENDMENTS**

- a. Initiation of Subdivision Ordinance Text Amendment to update the Virginia Code References, numbering inconsistencies, and other clarifications.
- b. Initiation of Subdivision Ordinance Text Amendments to Section 5 - General Standards of Design, Section 6 - Street Classifications, Section 7 - Minimum Street Improvements Required, Section 8 - Special Area Requirements for Use of Street Standards and Section 17 - Geometric Design Specifications to update the street, sidewalk and trail design, construction standards, specifications and requirements.
- c. Initiation of Subdivision Ordinance Text Amendments to Section 9 - Preliminary Plats and Section 10 - Final Plats to address the processing of construction plans, profiles and specifications through the Technical Review Committee.
- d. Initiation of Subdivision Ordinance Text Amendments to update the Ordinance to reflect the proposed Stormwater Management Ordinance.

Mrs. Cook reviewed Items 8.a.-d. and 8.g. and stated that a work session will be held in July. She stated that Item 8.d. can be scheduled for a public hearing in July. She further reviewed new Item 8.g. to amend Section 9-4 of the Subdivision Ordinance concerning the timeframe to correct deficiencies for the submission of preliminary plats.

- e. Initiation of Zoning Ordinance Text Amendment to Section 3-314.10 which would permit farm equipment sales, rental and service in the Rural Residential-2 (RR-2) zoning district with special permit approval from the Board of Zoning Appeals and an approved site plan.
- f. Initiation of Zoning Ordinance Text Amendment to Section 5-205.5 (Additional Standards for Auto Repair Garages) which would allow auto repair garages under Category 2 (Residential Business) with special permit approval from the Board of Zoning Appeals.

Mrs. Bowen reviewed Items 8.e. and f.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone Items 8.-a.-c. until the July meeting for a work session. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to advertise Items 8.d.-g. for a public hearing at the July meeting. The motion carried unanimously.

9. **SCHEDULING OF THE BEALETON, OPAL, AND REMINGTON AMENDMENTS TO THE COMPREHENSIVE PLAN FOR PUBLIC HEARING**

Mrs. Cook reviewed the staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that this can be scheduled for a public hearing in July and after

a meeting on July 8th with Mr. Guerra, if he is not going to be available for the meeting in July, it will be scheduled for public hearing in August.

Mr. Guerra stated that he would like to be here for the public hearing, and he would like to see it scheduled for August.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to advertise the request for a public hearing at the July meeting. The motion carried 4 to 1 with Mr. Guerra voting against the motion.

10. **BOARD OF ZONING APPEALS AGENDA**

- a. **Heidi Deconde, owner, and Tony Horkan, contract owner** - applicant is requesting special permit approval to amend the conditions of a special permit issued October 3, 1991, for an indoor technical school (martial arts studio). The applicant/contract owner wishes to amend the conditions of the special permit by expanding the school to both floors of the structure, expand the maximum class size from 30 to 50, expand the hours of operation to 9 a.m. until 9 p.m., and permit classes to be held Monday through Saturday. The subject property contains approximately 0.052 acres, located at 9151 John S. Mosby Highway, Marshall Magisterial District, Upperville, Virginia.
- b. **Laurie J. Enright, owner** - applicant is requesting to amend variance #29172 granted by the Board of Zoning Appeals, August 4, 1988. The BZA granted a variance of 22 feet for the location of a stable 78 feet from a property line. The BZA placed a condition that only two (2) horses could be housed, and be confined, to the rear of the structure. The applicant wishes to have a goat in addition to the two horses. The subject property contains approximately 2.60 acres, located at 6735 Bridle Path, Scott Magisterial District, Warrenton, Virginia.
- c. **Charles Allen, Sr. & Shirley L. Moffett, owners, and Family Worship Center, contract owner** - applicants are requesting special permit approval to construct a place of worship on a portion of the site. The subject property contains approximately 8.00 acres, located on Route 28, Cedar Run Magisterial District, Midland, Virginia.
- d. **Andrea McKenzie, owner, and Lynn & Betty West, contract owners** - applicant is requesting a special permit for her daughter to operate a day care center. Applicant is requesting a maximum of 25 children with hours of operation being Monday through Friday from 7:00 a.m. until 6:00 p.m. The subject property contains approximately 0.4175 acres, located at 8612 Anderson Avenue, Marshall Magisterial District, Marshall, District.
- e. **Stephen & Michael Callaghan, owners** - applicants are requesting a variance to a side yard setback requirement for a proposed garage. The garage will be 15' from the side property line at the front and 13.2' from the same side property line at the rear of the garage, wherein the Zoning Ordinance requires 25'. The subject property contains approximately 0.963 acres, located at 6121 Mint Springs Drive, Scott Magisterial District, Warrenton, Virginia.
- f. **Simpson Properties, LLC, owners, and S. H. Smith Real Estate, LLC, contract owner** - applicant is requesting a special permit to locate a business office of more than 5,000 square feet for a drywall business. The subject property contains approximately 0.9182

acres, located at Lot 6 New Baltimore Business Park, Scott Magisterial District, Warrenton, Virginia.

- g. **L. Ruth Bower, owner, and Michael C. & Cindy Lee Bower, contract owners** - applicants are requesting a special permit to locate a kennel that will handle a maximum of 60 dogs and 60 cats. The subject property contains approximately 54.571 acres, located at 7787 Greenwich Road, Cedar Run Magisterial District, Catlett Virginia.

The Commission made no comments.

There being no further business the meeting was recessed at 3:27 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, June 27, 2002, beginning at 7:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mrs. Elizabeth Cook, Mrs. Carolyn Bowen, and Mrs. P.J. Gallagher, Clerk.

PLEDGE OF ALLEGIANCE

Mr. Robison led the Commission and Citizens in the Pledge of Allegiance.

AMENDMENT OF AGENDA

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to amend the agenda to add Item 9 as Item 14, in order to reconsider the vote made earlier in the day. The motion carried unanimously.

11. **CITIZENS**

No one spoke.

12. **ZONING ORDINANCE AND SUBDIVISION ORDINANCE TEXT AMENDMENTS**

- a. *Subdivision Ordinance Text Amendment to Section 3-2(A)2, regarding Administrative Subdivisions, in order to reduce the number of administrative cuts from three to two, including the residue lot.*

Ms. Cook reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Ms. Mimi Moore, Marshall District, speaking on behalf of Citizens for Fauquier County, stated that this proposed amendment will be good for Fauquier County, and that it provides for stricter standards.

Mr. David DeGive, Marshall District,, stated that he is in favor of this proposed amendment, and that it would be good for the County.

Ms. Myra Seaforest, Lee District, stated the proposed change was in keeping with the spirit of our County planning efforts.

Mr. Merle Fallon, Cedar Run District, stated that we need to leave the existing standards alone. He asked that if this is approved that grandfathering be considered for all application filed prior to approval of this amendment. He stated that currently under the administrative process that stormwater management is not required, but if this is amended it will be a requirement. He also asked that this be approved only in the Rural Agriculture (RA) districts, not countywide. He indicated that there needs to be a calculation of lots in the RA zone that will be affected by this. He also stated that this will compound the burden on staff.

Mr. Roger Blackburn, Marshall Districts, stated that applications already on file should be grandfathered.

Mr. Carl Faller, Lee District, asked that this be postponed for 60 days for further review. He stated that there have been a lot of questions raised that need to be answered so that citizens can have a full and complete understanding of this proposed amendment. He further stated that there are 1328 parcels in Cedar Run and Lee Districts that this will affect, especially farmers. He presented the list of properties to Mr. Guerra.

Mr. Dean Wood, Cedar Run District, stated that he supports Mr. Fallon's position. He stated that he is working on an administrative division, but the paperwork is still in the process. He stated that this proposed amendment does not give long-term and short-term opportunities, and that more time is needed to work on this amendment. He stated that he does not want to see large growth in the County, but asked that we not take away the rights of property owners.

Mr. Mark Rohrbaugh, Cedar Run District, asked that this request be postponed in order for citizens to look at it further. He further stated that this should be only for RA and RC districts.

Ms. Cook stated that the first option is for all districts and the second is for RA and RC districts.

Mr. Rohrbaugh stated that we should not make it harder for people to do anything in the service districts.

Mr. Owen Bludau stated that he supports grandfathering existing applications and that the administrative subdivision role in economic development should be considered. He stated that the administrative process is a good way to divide small lots and that this should be done only in the RA and RC districts.

Ms. Kitty Smith, Marshall District, stated that she is opposed to this being only in the RA and RC districts, and that it should be applied across the board in all zoning districts. She stated that road requirements should be looked at further.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Guerra stated there have been considerable concerns raised, and that action on this amendment should be postponed for thirty (30) days.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to postpone the request until the July meeting for further review.

Mr. Sinclair stated that he is voting for the motion, since there have been obvious concerns raised by citizens.

Mr. Robison stated that it is important to move this on to the Board of Supervisors and that he is going to vote against the motion.

Mr. Stone stated that he agrees with Mr. Robison, that all areas should be incorporated and there is no reason to delay the proposed amendment regarding administrative subdivisions.

Mrs. McCarty stated that she agrees with Mr. Robison and Mr. Stone and that we should go with Option #1 which includes administrative divisions for all zoning districts.

Mr. Sinclair asked Mrs. McCarty what was Mr. Atherton's intent with this proposed amendment, and Mrs. McCarty stated that she is not sure what his intent is.

Mr. Guerra stated that he is not sure he understands what he is hearing. He stated that citizens have expressed great concern and we are saying that because the Board of Supervisors wants this amendment we need to approve it and send it to them.

The motion failed 2 to 3 with Mr. Robison, Mr. Stone, and Mrs. McCarty voting against the motion.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to recommend approval of Option 1, and that the citizens comments be forward on to the Board of Supervisors.

Mr. Sinclair stated that he will vote for this motion, but that it is the duty of the Planning Commission to deliberate cases and consider citizen concerns very carefully. He stated that he feels that we may be relinquishing our responsibilities by sending this forward at this time.

Mr. Guerra stated that he agrees with Mr. Sinclair about our responsibilities, in that we are approving this without finding out more information and possibly opening Pandora's Box.

The motion carried 4 to 1 with Mr. Guerra voting against the motion.

- b. *Zoning Ordinance Text Amendment to add Number 29 to Section 6-102 (Permitted Accessory Uses) to allow limited fundraising activities on properties located in the Rural Agriculture (RA) and Rural Conservation (RC) zoning district.*

Mrs. Bowen reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Sinclair asked if this amendment contains certain criteria and Mrs. Bowen replied that there will be 14 standards, and that this will be made easier on local charitable groups.

Mr. Stone asked if this goes with the land or the group and Mrs. Bowen replied the land.

Mrs. Bowen stated that now an applicant has to apply for special exception approval, and this amendment will allow 2 events by-right with an administrative permit.

Mr. Robison opened the public hearing.

Ms. Jessica Minor, Loudoun Health Care Center, stated that they are in favor of this request, and that their last 3 fundraisers have been held in Fauquier County.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to recommend approval of the text amendment. The motion carried unanimously.

- c. *Zoning Ordinance Text Amendment to Section 3-306.7 to delete Continuing Care Facilities from the Rural Agriculture (RA) and Rural Residential-2 (RR-2) districts.*

Mrs. Bowen reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Myra Seaforest, Lee District, stated that she approves of having these type facilities in our service districts. She stated that there will be limited traffic, water and sewer issues. She further stated that these facilities do cause serious problems in rural areas.

Mr. David DeGive, Marshall Districts, stated that he is in favor of this proposed amendment. He stated that we need to channel development from the rural areas to the service districts, and that people were very surprised by the last application for this type facility.

Ms. Kitty Smith, Marshall District, stated that she is in favor of this request, that she agrees with Mr. DeGive, and that most people did not realize this existed until the Sample case.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to recommend approval of the text amendment.

Mrs. McCarty stated that we need to protect the rural and services should be in the service districts.

Mr. Stone asked if we want to include villages in this proposed amendment and was told by Mrs. Bowen that this would take another public hearing.

Mrs. Bowen further stated that the standards are going to be looked at further and that the 100 acre requirement might be reduced.

The motion carried unanimously.

13. **SPECIAL EXCEPTIONS**

- a. **#SE02-CR-24 - Smith-Midland Corporation, owner/applicant** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance which would allow for the construction of a new acid etching operation process water treatment system and the closure of the existing facility within a floodplain. The property contains 12.5 acres, is zoned Industrial-2 (I-2), and is located at 5127 Catlett Road (Route 28), Cedar Run District. (PIN #7900-75-6202-000)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Stone asked if the applicant still needs to comply with DEQ after this approval and Mrs. Cook replied yes.

Mr. Robison opened the public hearing.

A representative from Smith-Midland stated that there will be three tanks, one to collect solids, one to neutralize, and one to do a final check before the product goes into Licking Run.

Mr. Stone asked if this is clean product that goes into Licking Run and the representative replied yes.

Mr. Sinclair asked if this system has been dictated to Smith-Midland by the DEQ and the representative stated that DEQ has approved this system.

Mr. Stone asked where the solids go and the representative stated they are dredged and taken to the landfill. Mr. Stone further asked if the solids are full strength and how they do not escape.

The representative replied that the solids are concrete residue and a little sand.

Mrs. McCarty asked about the tank construction and the representative stated that it is two pieces. Mrs. McCarty further asked if there will be a seam.

The representative stated there will be a seam midway down and it will be sealed with epoxy and the tank will be lined with tar.

Mr. Sinclair stated that our staff engineer stated that the seam will be located at the top.

The representative stated that the seam will be midway, 4 ft. at the top, and 4 ft. at the bottom.

Mrs. McCarty asked the elevation of the mid seam and the representative stated that it will be 4 ft. below ground level and that there will be monitoring wells on the tanks.

Mr. Robison stated that it is his understanding that DEQ prefers fiberglass and the representative stated that this has never been brought up with them. Mr. Robison also asked if the acid will attack the tar and the representative replied no.

Mr. Guerra asked the representative in what capacity he serves with Smith-Midland and the representative replied that he is the Chief Operating Officer, and engineer for the company.

In that no one appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Stone and seconded by Mr. Sinclair, it was moved to recommend approval of the request subject to the following condition:

- The tops of the acid etching process water treatment system structures shall be above the FEMA 100-year flood elevation, and the tanks shall be water tight below this elevation. The timing of this condition shall be no later than six (6) months from the date of the approval of this special exception or the approval of the FEMA Letter of Map Revision (LOMR), whichever is earlier.

Mrs. McCarty stated that the above condition is a little different from what she is hearing.

Mr. Robison stated that he disagrees with Mrs. McCarty.

Mr. Stone stated that epoxy is tough stuff and will hold.

Mr. Sinclair stated that this request needs to be expedited immediately.

Mr. Stone asked who is to monitor the wells and the representative stated Smith-Midland will and that the information will be provided to DEQ.

Mr. Robison stated that he will vote in favor of this request, but this is not good planning, but it is an improvement over the current operation.

Mr. Guerra stated that he cannot vote for this in that it is a job half done and that they cannot properly advise the Board of Supervisors.

The motion carried 4 to 1 with Mr. Guerra voting against the motion.

- b. **#SE02-L-30 - James R. & Betty L. Mills, owners, and Community Wireless Structures, applicant** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a lattice structure for co-location of wireless service providers. The property contains 47.41 acres, is zoned Rural Agriculture (RA), and is located on the northeast side of Lucky Hill Road (Route 655), Lee District. (PIN #6888-38-9459-000)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Tam Murray, Community Wireless Structures, stated that the work session earlier in the day was very productive. He stated that a demonstration of need seems to be the main concern. He stated that Sprint has stated that this is needed, but they could not be here this evening to present their case. He also stated that Voice Stream has a need for this tower and that he should have signed leases from Sprint and Voice Stream within the next couple of weeks.

Mr. Don Ryan, Zoning Department, Voice Stream Wireless, stated that they do look for co-location opportunities and that the VEPCO tower and the water tank would not work from a coverage perspective. He stated that this property is already being used for commercial purposes.

Mr. Jason Bell, RF Engineer, Voice Stream Wireless, stated that this structure is needed to cover a hole between Opal and Remington on Route 29.

Mr. Sinclair stated that during the work session the County's consultant stated that he was standing on this site using a cellular phone and got 4-5 bars.

Mr. Bell stated that he does not know where on the property the consultant was standing.

Mrs. McCarty stated that the County consultant's report does not show a gap in coverage in this area.

Mr. Guerra asked Voice Stream if they tested at 900 or 1900 and Mr. Bell replied 1900. Mr. Guerra further stated that our concern should not be for transients but for Fauquier County residents. He stated that this may be at a good location, but it will not be providing service to our citizens.

Mr. Jim Mills, owner, stated that he has had three different carriers for his cellular phone and none of them have worked properly. There has been a gap in service. He stated that there is a dead spot in this part of the County and that coverage is very important. He stated that his customers also share his concerns about service. He further stated that this tower will not be seen from the highway.

Mr. Terry Cook, attorney from Washington, D.C., stated that he would like to see 199 foot towers to provide coverage for a greater distance rather than a scattering of 80 ft. towers that would do the same as one 199 ft. tower.

Ms. Kitty Smith, Marshall District, stated that she is opposed to this request. She stated that our ordinance encourages smaller towers and that we are here because the applicant is asking for 150 feet. She stated that we need to comply with our ordinance and that 2 80 ft. towers would provide the same coverage.

Mr. Guerra stated that Mr. Mills did state that there is a lack of coverage in this area.

Ms. Smith replied that she is not arguing that coverage is needed, but she is not sure how we fix it.

Mr. David DeGive, Marshall District, stated that he feels very strongly about the height of towers and that we need to adhere to our ordinance. He stated that he strongly favors no towers above 80 feet.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to recommend denial of the request.

Mr. Sinclair stated that he agrees with what Ms. Smith stated, and that we worked for months and months to craft our ordinance and we need to continue to follow it.

Mrs. McCarty stated that this is the wrong height, and that this should be considered very carefully. She stated that the applicant has failed to provide a legitimate need for this tower at this height and that there are other location for co-location.

Mr. Stone stated that the existing ordinance did take a lot of participation from a lot of people, and that we do not want too many tall towers. He stated that this appears to be a capacity problem not a coverage problem and there are other alternatives.

The motion carried unanimously.

- c. **#SER02-S-04 - Waverly, LLC (Piedmont Vineyards), owner/applicant** - applicant wishes to obtain special exception renewal under Category 9 of the Zoning Ordinance to continue holding wedding receptions and other private functions. The property is zoned Rural Agriculture (RA), contains 94.710 acres, and is located on the west side of Halfway Road (Route 626), Scott District. (PIN #6092-72-4966-000)

Mr. Robison stated that the applicant has withdrawn the request, therefore, no action is required.

RECONSIDERATION OF ITEM 9 - SCHEDULING OF THE BEALETON, OPAL, AND REMINGTON AMENDMENTS TO THE COMPREHENSIVE PLAN FOR PUBLIC HEARING

Mr. Kevin Burke, Deputy County Attorney, read from Roberts Rules of Order on the procedures for reconsideration of previous votes.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to allow Mr. Guerra to change his vote of denial of the motion to approval of the motion. The motion carried unanimously.

There being no further business the meeting was adjourned at 8:54 P.M.

A tape recording of the meeting is on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.